

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re: Frances L Smith : Case No: 15-51080
Debtor(s) : Chapter 13 Judge: C KATHRYN PRESTON
: Per review of file

FIRST AMENDED

CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307. This objection supersedes any prior objection filed in this case by the Trustee.

Above median income X Below median income

 X **11 U.S.C. §1325(a)(1)**-Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:

 X Other: **2 debts to 2 different creditors are disclosed on Sch D and Sch F for the 2002 Cadillac and 2 secured POCs have been filed by the 2 different creditors (AmeriCredit and Portfolio Recovery.) Trustee ran both debts inside; however, these appear to be duplicate debts.**

 X **11 U.S.C. §1325(a)(6)**-Plan is not feasible based on income, living expenses, and plan payments. **Provide to Trustee Schedule C from the 2014 tax return showing child care income and housekeeping income.**

 X Other: **Debtor and spouse owed \$5289 in taxes per the 2014 tax return. Trustee unable to determine if Debtor paid this as Sch E does not include the 2014 tax liability and the IRS poc shows only \$500 due as 2014 had not been filed yet. Sch J does not provide a budget item for estimated taxes to avoid a large tax liability.**

 X **11 U.S.C. Section 1326(a)(1)**-Debtor(s) have failed to tender the following pre-confirmation payments not later than 30 days from the filing of the plan or petition (whichever is earlier): **Need 2nd and 3rd pymts = \$6356**

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for August 06, 2015, unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c).

TERMS OF THE PLAN:

Plan Payments: 3178 mo

Best Interest Dividend: 0% Dividend: 51%

Length: 60 Months

Dated: June 03, 2015

Respectfully submitted,

/s/ Frank M. Pees

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085

(614) 436-6700

trustee@ch13.org

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's First Amended Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: June 03, 2015

/s/ **Frank M. Pees**

Frank M. Pees

Chapter 13 Trustee

130 East Wilson Bridge Road #200

Worthington, Ohio 43085-6300